

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

APT SYSTEMS, INC.,

Plaintiff,

v.

APPLE, INC.,

Defendant.

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CIVIL ACTION NO. 21-2121

ORDER

AND NOW, this 26th day of January, 2022, after considering (1) the notice of removal filed by the defendant, Apple, Inc. (Doc. No. 1), (2) the original complaint filed by the plaintiffs, APT Systems, Inc. and Snapt Games, Inc. (Doc. No. 1-1), (3) the amended complaint (Doc. No. 21), (4) the plaintiff's motion to remand (Doc. No. 26), (5) the defendant's response in opposition to the motion to remand (Doc. No. 27), (6) the defendant's motion to dismiss or, in the alternative, motion to transfer venue (Doc. No. 23), (7) the plaintiff's response in opposition to the motion to dismiss or, in the alternative, motion to transfer venue, (8) the defendant's reply in further support of its motion to dismiss or, in the alternative, motion to transfer venue, (9) oral argument from counsel on the motion to remand and the motion to transfer venue on September 8, 2021, and (10) the defendant's motion to substitute attorney (Doc. No. 31); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The plaintiff's motion to remand (Doc. No. 26) is **DENIED**;
2. The defendant's motion to dismiss or, in the alternative, motion to transfer venue (Doc. No. 23) is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The motion to transfer venue is **GRANTED**. The clerk of court shall **TRANSFER** this matter to the United States District Court for the Northern District of California; and

b. The motion to dismiss is **DENIED WITHOUT PREJUDICE** to the defendant refiling it in the United States District Court for the Northern District of California;

3. The defendant's motion to substitute attorney (Doc. No. 31) is **GRANTED**. Brian J. Boyle, Esquire's appearance on behalf of the defendant is **WITHDRAWN**; and

4. The clerk of court shall mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.